

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHN ERAR,

Plaintiff,

v.

CITY OF ANDOVER, et al.,

Defendant.

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CIVIL NO. 04-3742

**ORDER ACCEPTING, WITH
ONE EXCEPTION, REPORTS
AND RECOMMENDATIONS,
ORDER FOR JUDGMENT
DISMISSING FEDERAL
CLAIMS, AND ORDER
REMANDING STATE CLAIMS**

Pursuant to 28 U.S.C. § 636(b)(1), Magistrate Judge Ross A. Walters' thorough and well-prepared report and recommendation filed November 1, 2005, is **ACCEPTED** in full, and his thorough and well-prepared report and recommendation filed April 22, 2005, is **ACCEPTED**, except it is neither accepted nor rejected in respect to his recommendation of denial of the partial motion for summary judgment in respect to Count I of plaintiff's second amended complaint, the state law tortious interference claim. The Count I issue is a close question of Minnesota law and, in my opinion, it is prudent to leave resolution of the issue to the Minnesota state courts. Accordingly, each of the two motions for summary judgment is **GRANTED IN PART**, and **IT IS ORDERED** that judgment be entered dismissing Counts III, IV, and VI of plaintiff's second amended complaint. For the reasons articulated by the Magistrate Judge, and as permitted by 28 U.S.C. § 1367(c)(1) and (3), the court declines to exercise supplemental jurisdiction over the state law claims asserted in Counts I, II, and V of the second amended complaint. **IT IS ORDERED** that the claims set forth in Counts I,

II, and V of the second amended complaint be **REMANDED** to the Minnesota District Court, Tenth Judicial District, County of Anoka.

DATED this 14th day of December, 2005.


HAROLD D. VIETOR
Senior U.S. District Judge